

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Levi Huebner on behalf of himself and all
other similarly situated consumers,

Plaintiff,

-against-

Midland Credit Management, Inc., and
Midland Funding LLC,

Defendants.

Case: 14-cv-6046 (BMC)

**SECOND AMENDED NOTICE OF
APPEAL**

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Levi Huebner, plaintiff, on behalf of himself and all other similarly situated consumers, hereby appeals to the United States Court of Appeals for the Second Circuit from the Clerk's Judgment (dismissing this action) and the Memorandum Decision & Order (granting summary judgment and denying class certification) entered in this action on June 6, 2016; included in this appeal, each and every order the District Court made in this action, including as follows:

1. Order to show cause, entered October 16, 2014 (Seeking to dismiss complaint for citing case law);
2. Scheduling order, entered November 4, 2014 (Mandatory requirement of joint letter describing the case);
3. Order, entered January 2, 2015 (holding "the case has been pending for months and it does not appear that [Plaintiff's] counsel is currently in a position to pursue it. If counsel is not sufficiently able to do so prior to the adjourned conference date, he must consider whether he can effectively represent his client in this matter or whether plaintiff needs to obtain new counsel");

4. Order, entered February 2, 2015 (“the Court remains concerned as to whether counsel can effectively represent his client if he cannot get to court” by wheelchair in incumbent weather);
5. Minute Entry and Order for Initial Status Conference, entered February 2, 2015 (“Plaintiff to provide the Court . . . with a copy of the recording of the parties’ telephone conversation. . . parties are directed to appear for a Status Conference . . . on 2/11/15.”);
6. Order, entered February 10, 2015 (“The telephone Status Conference scheduled for 2/11/2015 is cancelled”);
7. Order to show cause, entered February 11, 2015 (“Plaintiff and his attorney are Ordered to Show Cause by 2/18/15 why this action should not be dismissed, with fees costs awarded under 15:1692k(a)(3), and sanctions issued pursuant to Rule 11”);
8. Order, entered February 17, 2015 (“counsel had requested a telephone conference and therefore no record was made of the conference”);
9. Memorandum Decision And Order, entered May 1, 2015 (denying motion for recusal and related relief, and “sanctioning plaintiff’s attorney for failing to participate in the Initial Status Conference in good faith as required by Rule 16”);
10. Minute Entry and Order for Discovery Conference, entered May 7, 2015 (setting discovery schedule with 30(b)(6) witness: consequently denying Plaintiff’s request to depose Emma Elliot);
11. Order, entered May 22, 2015 (denying motion for extension of time to complete discovery);
12. Order, entered May 29, 2015 (denying motion for extension);
13. Order, entered July 21, 2015 (denying in part joint motion for extension of time to complete discovery);
14. Order, entered August 17, 2015 (denying motion for extension);
15. Order, entered August 20, 2015 (granting in part and denying in part Motion for Protective Order);
16. Order; entered September 2, 2015 (denying extension of time);
17. Order, entered September 22, 2015 (denying in part Plaintiff’s motion to compel discovery);

18. Order, entered October 15, 2015 (granting partial reconsideration of Defendants' motion for reconsideration);
19. Text Entry, entered November 5, 2015 (denying to compel discover and ex parte granting to seal document);
20. Order, entered November 13, 2015 (denying motion to revoke certain "confidential" designations applied to Defendant's documents and sanctioning Plaintiff);
21. Order, entered November 19, 2015 (denying in part Motion for reconsideration);
22. Order, entered November 24, 2015 (ex parte holding "defendants discovery certification is adequate");
23. Order, entered December 6, 2015 (denying in part Motion for Pre Motion Conference);
24. Order, entered December 16, 2015 (denying in part Motion for Pre Motion Conference);
25. Order, entered July 15, 2016 (Mr. Huebner shall refrain from faxing any documents to the Court and is advised that no action shall be taken on any documents received by fax);
26. Order, entered July 27, 2016 (Nothing in them contains privileged information);
27. Order, entered July 28, 2016 (plaintiff has offered no other basis to seal them);
28. Order, entered August 5, 2016 (granting Pomerantz to withdraw as counsel for Plaintiff);
29. Order, entered September 9, 2016 (denying motion for reconsideration);
30. Order, entered November 10, 2016 (granting sanctions and fees);
31. Order, entered December 23, 2016 (awarding fees); and
32. Any subsequent order or judgment this Court enters into this case.

Dated: Brooklyn, NY
December 30, 2016

Respectfully submitted,

/ s / Levi Huebner

By: Levi Huebner

Plaintiff-Appellant Pro Se

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